HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.11420 of 1996

Between:

Tummala Lakshmi …Petitioner.

AND

District Collector, Khammam

& others. …Respondents.

:: O R D E R ::

Counsel for the Petitioner : Sri Kowturu Vinaya Kumar

Counsel for the Respondents : Government Pleader for Assignment

12th APRIL 2006

Per G.S. Singhvi, CJ

In this petition, Smt. Tummala Lakshmi and three others have prayed for issuance of a writ of prohibition to restrain the respondents from dispossessing them from the land comprised in Survey No.128 of Kommepalli Village, Sattupalli Mandal, Khammam District.

At the hearing, learned counsel for the petitioner gave out that petitioners No.1 and 2 namely, Smt. Tummala Lakshmi, W/o Rajulu and Tummala Tirupatamma, W/o Korrarajulu had been granted pattas even before filing of the writ petition and petitioner No.4 namely, Shaik Zahira Begum, W/o Ahmed has been granted patta during the pendency of the writ petition. Learned Government Pleader for Assignment gave out that pattas have already been issued in favour of petitioners No.1, 2 and 4 and, therefore, they are not going to be dispossessed.

In regard to petitioner No.3, learned counsel for the petitioners submits that she may be permitted to pursue her remedy before the departmental authorities. Learned Government Pleader submits that petitioner No.3 has encroached on the public land and she is not eligible to be assigned government land.

In view of the statement made by the learned counsel for the parties, the writ petition is disposed of in the following terms:

1. The respondents shall not disturb the possession of petitioners 1, 2 and 4 to whom pattas of the assigned lands have been granted;

2. Petitioner No.3 may make a representation to the competent authority for assignment of government land. Such representation shall be considered and decided by the competent authority uninfluenced by the fact that she has remained in possession of the land on the strength of the interim order passed by the Court. It will be open to the competent authority to reject the representation of petitioner No.3, if it is found that she is not eligible to be assigned government land.

12th April, 2006 **G.S. SINGHVI, CJ**

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